

Jul 16, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

ZACHARY WAYNE JONES,
Defendant.

No. 2:16-CR-0091-WFN-1

ORDER DENYING MOTION FOR
COMPASSIONATE RELEASE

Pending before the Court is Defendant's Motion for Compassionate Release. ECF No. 82. Defendant indicates that he submitted a request for compassionate release to the Warden of his institution, but did not receive a response within 30 days. Consequently, the parties agree that he exhausted his claim with the Bureau of Prisons [BOP].

Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has not demonstrated extraordinary or compelling reasons warranting a sentence reduction. Defendant argues that his father's death coupled with the risk of contracting COVID-19 constitute extraordinary and compelling reasons for early release. Defendant's father's death, while devastating emotionally, does not trigger a need for Defendant's release. Defendant provides no reason for release other than helping his brother manage the estate. As for Defendant's concerns regarding COVID-19 infection, Defendant

1 previously contracted COVID-19 and experienced an asymptomatic infection. Defendant
2 indicates that he has no pre-existing conditions that would put him at increased risk of
3 serious illness or death from COVID-19. Further, he is now fully vaccinated which helps
4 prevent future infection.

5 Defendant's crime of conviction suggests he poses a danger to the community. He
6 took advantage of a minor girl with the mental capacity of an 11-year-old, arranging to take
7 her from her grandparents and conceal her whereabouts. He admitted to having sexual
8 relations with her. Though not part of his crime of conviction, further information surfaced
9 suggesting he had inappropriate interactions with other minors on the internet. His conduct
10 illustrates that he poses a danger to minors. He has only served half of the sentence imposed.
11 Defendant has not demonstrated extraordinary or compelling reasons supporting his release.
12 The Court has reviewed the file and briefing and is fully informed. Accordingly,

13 **IT IS ORDERED** that:

- 14 1. Defendant's Motion for Compassionate Release, filed May 12, 2021, **ECF No. 82**, is
15 **DENIED**.
16 2. Defendant's Final Motion for Extension of Time to File Response/Reply, filed July 7,
17 2021, **ECF No. 92**, is **GRANTED**. The Court accepts the Defendant's reply as timely.

18 The District Court Executive is directed to file this Order and provide copies to
19 counsel.

20 **DATED** this 16th day of July, 2021.

21 

22 _____
WM. FREMMING NIELSEN
23 SENIOR UNITED STATES DISTRICT JUDGE

24 07-08-21